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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,434	10/15/2003	Tetsuro Motoyama	242160US2CONT	7907

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PRICE, NATHAN E

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/684,434	MOTOYAMA ET AL.	
	Examiner	Art Unit	
	Nathan Price	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007 and 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,8,9,13,16,17,21,24,25,29 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,9,13,16,17,21,24,25,29 and 32-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413).
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

[Handwritten Signature]
THOMSON
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DETAILED ACTION

1. This Office Action is in response to communications received 05 January 2007 and 10 January 2007. Claims 1, 5, 8, 9, 13, 16, 17, 21, 24, 25, 29 and 32-44 are pending. Previous objections and rejections not included in this Office Action have been withdrawn.

Response to Arguments

2. Applicant's arguments filed 05 January 2007 have been fully considered but they are not persuasive or are moot in view of new grounds for rejection. Arguments regarding previous grounds for rejection that are not persuasive and are relevant to the new grounds of rejection are addressed below.

3. Applicant argues Wygodny and Aikens fail to teach monitoring selection of operations of an operation panel. However, Aikens teaches monitoring interface buttons [col. 4 lines 15 – 26, 51 – 68].

4. With respect to setting the number of sessions, Wygodny teaches setting the number of records to be collected before communicating the log [col. 6 lines 3 – 14; col. 19 lines 17 – 22, 54 – 60; col. 26 lines 30 – 40].

Claim Rejections - 35 USC § 112

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 8, 13, 16, 21, 24, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by "exits operating the image forming device" in, for example, claim 5. The specification describes exiting an application, pressing a button and a period of time without use (see specification page 25 ¶ 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 8, 9, 13, 16, 17, 21, 24, 25, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wygodny et al. (US 6,202,199 B1; hereinafter Wygodny) in view of Aikens et al. (US Pat. 5,414,494; hereinafter Aikens).

7. As to claim 1, Wygodny teaches a device comprising:

a clock unit [col. 20 lines 53 – 56];

a monitoring unit configured to monitor data of execution of a plurality of operations and to generate a log of the monitored data in one of multiple formats, wherein the multiple formats include at least one of a time stamp including a time of selecting of the plurality of operations of the operation panel or a frequency of selection of the plurality of operations of the operation panel [col. 5 lines 12 – 23; col. 6 lines 3 – 11; col. 19 lines 42 – 60; col. 20 lines 53 – 56];

a communicating unit configured to receive the log of the monitored data, and to communicate data based on the log of the monitored data in one of the formats [col. 6 lines 49 – 54]; and

8. Wygodny fails to specifically teach monitoring selections of operations of an operation panel. However, Aikens teaches an image forming device comprising an operation panel of said image forming device, the operation panel comprising a plurality of operations to be selected by a user [col. 3 lines 23 – 33; col. 4 lines 15 – 26] and a monitoring unit configured to monitor data of selecting of the plurality of operations of the operation panel by the user [col. 2 lines 25 – 40]. Wygodny teaches selecting methods to be monitored and Aikens teaches monitoring based on predetermined conditions and that the user selects functions and determines the conditions through the user interface [col. 4 lines 15 – 26].

9. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine the teachings of Wygodny and Aikens

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because Wygodny teaches monitoring of remote systems and defining conditions for monitoring [col. 6 lines 21 – 38; col. 10 lines 52 – 62] and Aikens also teaches monitoring the operation of a remote system based on predefined conditions [col. 2 lines 25 – 40].

10. As to claim 5, Wygodny teaches the communicating unit sends the log of the monitored data when the user exits operating the image forming device [col. 6 lines 1 – 20].

11. As to claim 8, Wygodny teaches the communicating unit communicates the log of the monitored data by Internet mail [col. 6 lines 49 – 52].

12. As to claim 33, the combination of Wygodny and Aikens teaches a setting unit configured to set a number of sessions of utilizing the operation panel to be executed by the user prior to the communicating unit communicating the data based on the log of the monitored data [Wygodny: col. 6 lines 3 – 14; col. 19 lines 17 – 60; col. 26 lines 30 – 40].

13. As to claim 34, the combination of Wygodny and Aikens teaches the communicated data includes the elapsed time of a selection of an operation from a start of the monitoring [col. 20 lines 53 – 56].

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14. As to claim 35, the combination of Wygodny and Aikens teaches the log of the monitored data includes the frequencies of selection of the plurality of operations of the operation panel, and the communicated data includes the frequencies of selection of the plurality of operations of the operations panel [col. 10 lines 52 – 62; col. 19 lines 17 – 60].

15. As to claims 9, 17 and 25, see the rejection of claim 1 above.

16. As to claims 13, 21 and 29, see the rejection of claim 5 above.

17. As to claims 16, 24 and 32, see the rejection of claim 8 above.

18. As to claims 36, 39 and 42, see the rejection of claim 33 above.

19. As to claims 37, 40 and 43, see the rejection of claim 34 above.

20. As to claims 38, 41 and 44, see the rejection of claim 35 above.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

[Handwritten signature]
L. J. FUSON
Supervisory Patent Examiner
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